



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 03 2001

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7/3/01  
EPA Region 5 Records Ctr.



227163

REPLY TO THE ATTENTION OF:

Lindsay Light II Site

PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Re: Request for Information Pursuant to Section 104 of CERCLA  
for Lindsay Light II Site, Chicago, Illinois

Dear Sir:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Lindsay Light II Superfund Site in Chicago, Illinois ("Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within twenty (20) business days of your receipt of this letter:

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site and adjacent off-site areas. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. In addition, U.S. EPA continues to identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you may have relevant historical knowledge which may assist the Agency in its investigation of the Site and adjacent off-site areas.

U.S. EPA is investigating the disposal of radioactive material from the location of the former Lindsay Light Company, and the Lindsay Light and Chemical Company ("Lindsay Light"), its thorium manufacturing plant at 316 East Illinois Street, and its main office building located at 161 East Grand Avenue in Chicago, Illinois. U.S. EPA is also investigating the disposal of

radioactive material in other adjacent off-site areas in the vicinity. From approximately 1904 until approximately 1935, Lindsay Light refined thorium containing ores and manufactured incandescent mantles in Chicago for residential and commercial building lights. The gas mantle manufacturing involved dipping gauze mantle bags into solutions containing radioactive thorium. Lindsay Light then moved its operations to West Chicago, Illinois in approximately 1935.

U.S. EPA has conducted an investigation into and provided oversight for the cleanup of hazardous substances released during the period from 1930 to 1980 from thorium mill tailings at four Superfund Sites and the Rare Earths Facility located in West Chicago, Illinois. U.S. EPA has also provided oversight for the cleanup of the former Lindsay Light property at 316 East Illinois Street. U.S. EPA is currently providing oversight for the cleanup of adjacent off-site contamination across the street from the 316 East Illinois property, which is bounded approximately by North St. Clair Street, East Grand Avenue, North McClurg Court, and East Illinois Street. In addition, U.S. EPA will provide oversight for the cleanup of adjacent off-site contamination located at 341 East Ohio Street, which will begin in the near future.

Part of U.S. EPA's investigation currently includes conducting radiological surveys of certain properties in the downtown Chicago, Illinois area, roughly bounded by North Rush Street to the west, East Ohio Street to the north, North Streeter Drive to the east, East Illinois Street to the south, and along North Columbus Drive south to the Chicago River. To date, approximately 40,000 tons of thorium-impacted soils have been excavated in the Streeterville area for disposal and work is still ongoing. In addition, U.S. EPA has learned that other locations in Chicago may have been used for the disposal of wastes from Lindsay Light operations.

#### Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

#### Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows

U.S. EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:


U.S. Environmental Protection Agency  
Debra Regel, Enforcement Specialist  
Emergency Enforcement & Support Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact either Mary Fulghum,

Assistant Regional Counsel, at (312) 886-4683, or Cathleen Martwick, Assistant Regional Counsel, at (312) 886-7611. However, if you have specific questions about the Information Request, please contact Debra Regel, Enforcement Specialist, at (312) 353-7632.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



Richard C. Karl, Chief  
Emergency Response Branch

Enclosures

CC: Mort P. Ames, Esq.  
City of Chicago  
Department of Law  
30 North LaSalle Street, Room 900  
Chicago, IL 60602-2580

Attachment A  
Information Request

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;

2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information

contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

### Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. In particular, relative to this Site and to this Information Request, "radioactive hazardous substance" shall mean, but not exclusively, radioactive rare earths, and radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, radioactive uranium and all associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series and all its associated decay products, and hazardous chemicals associated with these radioactive materials as a result of processing or manufacturing actions.

4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c)

present or last known employer (include full name and address) with title, position or business.

5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

6. The term "**Kerr-McGee or its predecessor companies**" shall mean Lindsay Chemical Company (1952-1958), American Potash and Chemical Corporation (1958-1967), and Kerr-McGee Chemical Corporation (1967-1973), in West Chicago, Illinois.

7. The term "**Lindsay Light**" shall mean Lindsay Light Company (1904-1935), and Lindsay Light and Chemical Company (1935-1952). The term "Lindsay Light" shall also mean its thorium manufacturing plant at 316 East Illinois Street, its office building at 161 East Grand Avenue, and its location at 22 West Hubbard Street, in Chicago, Illinois.

8. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

9. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

10. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum. In particular, relative to this Site and to this Information Request, "pollutant or contaminant" shall mean, but not exclusively, radioactive rare earths, radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, radioactive uranium and all associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series and all its associated decay products, radioactive thorium wastes produced as a result of the extraction of thorium from Monazite or any other ores, any unused ore, thorium mill tailings, and any chemical wastes from the extraction process originating from Lindsay Light or from Kerr-McGee and/or its predecessor companies.



11. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

12. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

13. The term "**Site**" shall mean the Lindsay Light II Superfund Site located at 316 East Illinois Street, which also includes adjacent off-site property bounded by North Columbus Drive, East Grand Avenue, North St. Clair Street, and East Illinois Street, Chicago, Illinois. In addition, the term "Site" shall include adjacent off-site contamination located at 341 East Ohio Street in Chicago, Illinois.

14. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes, and also by-products as specified in the Atomic Energy Act. In particular relative to this Information Request, "waste" or "wastes" shall include radioactive wastes produced as a result of the extraction of thorium from Monazite ore or from other ores, any unused ore, thorium mill tailings, and any chemical wastes from the extraction process originating from Kerr-McGee Chemical Corporation and its predecessor companies located in West Chicago, Illinois or in Chicago, Illinois.

15. The term "**you**" or "**Respondent**" shall mean the addressee of this Information Request, and the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

Attachment B  
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify the acts or omissions of any persons, whether living or deceased, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants, contaminants, wastes, or fill materials which originated from either Lindsay Light or from Kerr-McGee and its predecessors and identify any damages resulting therefrom.
5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances, wastes, or fill materials from Lindsay Light, or from Kerr-McGee or its predecessor companies by you, your contractors, or by prior owners and/or operators to any locations in Chicago, Illinois.
6. Did you ever witness or do you possess knowledge regarding the movement of any hazardous substances, wastes or fill materials from Lindsay Light, or from Kerr-McGee or its predecessor companies to any locations in Chicago, Illinois? If so, please explain your knowledge in detail.
7. Have you ever contracted with Lindsay Light, or with Kerr-McGee or its predecessor companies to perform work? If so, please indicate your job title, position description, duties, dates of employment, and supervisors or foreman you reported to, or who reported to you for each position you occupied. If the answer to this question is anything but an unqualified "no", answer the following questions and indicate the source of your knowledge:
  - b) Explain in detail the work you were contracted to perform.
  - c) State the time period your work was contracted for, and provide copies of all pertinent contractual documents.

8. Did you ever use, purchase, store, treat, transport, dispose or otherwise handle any hazardous substances, materials, wastes, or fill material from Lindsay Light, or from Kerr-McGee or its predecessor companies from West Chicago, Illinois to Chicago, Illinois? If the answer to this question is anything but an unqualified "no", identify:

a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, waste, or fill material;

b) Who supplied you with such hazardous substances, wastes, or fill materials;

c) How such hazardous substances, wastes, or fill materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

d) Specific dates on which such hazardous substances, wastes, or fill materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

e) Exact and specific locations where such hazardous substances, wastes, or fill materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;

f) The quantity of such hazardous substances, wastes, or fill materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and,

g) The owner or receiver of the hazardous substances, wastes, or fill materials, including hazardous or potentially hazardous substances, accepted at Chicago, Illinois or transported to Chicago, Illinois.

9. Have you or any other person working with you or on your behalf ever accepted hazardous substances, wastes, or fill materials from any person or business associated with Lindsay Light, or with Kerr-McGee or its predecessor companies for transportation to any location in Chicago, Illinois? If the answer to this question is anything but an unequivocal no, identify:

a) The persons from whom you or such other persons accepted waste materials for transport;

b) The time period during which waste materials were so accepted or transported;

c) The nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state

(e.g., solid, liquid), and the process for which the material was used or the process which generated the material;

d) For each material, describe any warnings given to you with respect to its handling;

e) The owner of the materials so accepted or transported;

f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

g) All tests or analyses and analytical results concerning each material;

h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials; and,

i) The person(s) who selected the disposal location in Chicago, Illinois as the place to which the waste materials or hazardous substances were to be transported.

LINDSAY LIGHT II SITE  
LIST OF PARTIES RECEIVING INFORMATION REQUEST LETTER

Harry W. Kuhn, Inc.  
28 W 651 North Avenue  
West Chicago, IL 60185

Harry W. Kuhn  
59 Aintree Road  
St. Charles, IL 60174

Mr. Eugene Rennels  
1008 Allen Avenue  
West Chicago, IL 60185

Arthur J. Lootens & Son, Inc.  
c/o Mr. James D. Lootens  
0S551 Joliet Street  
West Chicago, IL 60185